

Ser. No. 10/002,684

Remarks

Claims 1-9 and 21-31 were pending in the application. Claims 28 and 29 were withdrawn. Claims 1-9, 21-27, 30 and 31 were rejected. By the foregoing amendment, no claims are canceled, claims 1, 7, and 22 are amended and no claims are added. No new matter is presented.

Finality of Action

Applicant appreciates the withdrawal of finality of the prior action.

Interview Summary

Applicant appreciates the <sup>telephone interview</sup> interview of January 15, 2004 between Examiner Michael J. Kyle, SPE Anthony Knight, and attorney William B. Slate. The Halling '814 reference was discussed as relating to independent claims 1 and 22 and, by implication, the remaining claims. The undersigned submitted that distinguishing the discrete welding of Halling '814 would be sufficient to overcome the rejections as Applicant had previously attempted to do. The undersigned noted that the possibility of further amendments based upon the discrete nature of the welding as are presently proposed. The examiner has noted the possibility of additional prior art not presently of record which might be relevant to such amended claims. No agreement was reached.

Claims Rejections- 35 U.S.C. 103

Applicant appreciates the withdrawal of the rejection of claims 8 & 9 under 35 U.S.C. 103(a) as unpatentable over Halling '546 in view of Rynders et al.

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Claims 1-7, 9, 22, and 24-27 were rejected under 35 U.S.C. 103(a) as unpatentable over Halling '814 in view of Harada. Applicant respectfully traverses the rejection. Halling '814 discloses a multi-ply seal. Harada et al. discloses the use of  $\gamma$  precipitation-hardened nickel-based superalloys in turbine use (presumably the turbine blades and vanes of gas turbine engines). There appears to be no suggestion for use as a seal material. The examiner has provided no citation for any motivation to attempt the combination nor has the examiner provided an indication of how the references would teach particular claimed configurations.

Paragraph 9 of the Office action merely recites Harada's self identified advantageous properties for gas turbine use and then asserts such properties as a motivation to combine. The identified use of advantageous properties for one application does not suggest the combination for the claimed seal. Harada substantially predates Halling '814. Accordingly, had a combination been obvious Halling itself would have identified that combination.

Regarding the adhesion of claims 1 and 22, Applicant submits that the welding of Halling '814 does not provide the claimed adhesion between surfaces as the surfaces are destroyed by the welding process. As discussed with the examiner, Applicant has additionally identified the adhesion as being along an entirety of one of the adjacent surfaces. Additionally, claim 7 has been amended to identify direct adhesion. This would further distinguish other hypothetical adhesion techniques such as a full brazing or soldering. Support for such amendments is seen at page 4, lines 9-12.

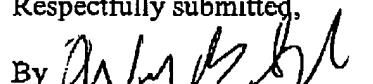
Claims 8, 21, and 23 were rejected under 35 U.S.C. 103(a) as unpatentable over Halling '814 in view of Harada and further in view of Rynders et al. Applicant respectfully traverses the rejection.

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As noted above, the basic combination of Halling '814 and Harada is believed insufficient. Although Rynders et al. proports to disclose a seal useful in the claimed temperature range, it is a yet-different seal from the presently-claimed seal. Accordingly, Rynders et al. teaches away from the presently claimed invention and teaches away from any attempted combination with Halling '814 and Harada. The examiner has cited no specific structural feature of Rynders et al. which would be applied to the Halling '814 and Harada combination to provide the claimed temperature range. Further, the examiner has cited no source for the alleged motivation to combine.

Accordingly, Applicant submits that claims 1-9 and 21-31 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account 02-0184.

Respectfully submitted,

By   
William B. Slate  
Attorney for Applicant  
Reg. No.: 37,238

Telephone: 203-777-6628  
Telefax: 203-865-0297

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